

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION**

CLEANUP AND ABATEMENT ORDER NO. 98-016

FOR

THE COUNTY OF RIVERSIDE
ECONOMIC DEVELOPMENT AGENCY

THERMAL AIRPORT
Thermal - Riverside County

The Executive Officer of the California Regional Water Quality Control Board, Colorado River Basin Region, (hereinafter referred to as the Regional Board) finds that:

1. The County of Riverside (discharger) has owned, at all times, the Thermal Airport (the site) property since 1949. The Thermal Airport is located at 56-850 Tyler Avenue, Thermal, California. The Airport is located two miles south of the City of Coachella and one mile west of the unincorporated community of Thermal (see attached map).
2. The discharger allowed pesticide aerial applicators to conduct operations from the site.
3. The aerial pesticide operation resulted in the discharge of pesticide waste onto the ground, at Thermal Airport abandoned taxiway.
4. The discharger had designated an abandoned taxiway, commonly referred to as the "Crop Duster Strip" (see map), for use by pesticide aerial applicators. The applicators used the area east of the crop duster strip for storage of pesticides, for mixing and loading, and for washing and rinsing pesticide residue from aircraft. The wastewater was discharged onto the ground for disposal by evaporation and/or percolation. The applicators had access to the site either through a lease from the discharger or on a fee-per-use basis.
5. Between 1982 and 1988, Riverside County Department of Environmental Health (RCDEHS) conducted extensive soil sampling of the surface or near the surface at the northeast end of the Crop Duster Strip in an area that was used from the early 1950's until 1988 by pesticide applicators. Analyses of the samples consistently showed high levels of a broad spectrum of pesticides, including DDT and breakdown products, ethyl and methyl parathion, methidathion, and dioxin in hazardous concentrations. Sampling conducted in 1988 indicated elevated levels of DDT and DDE ranging from 2.2 mg/kg to 270 mg/kg, methyl parathion as high as 45,000 mg/kg, ethyl parathion at 2,800 mg/kg, carbaryl at 1,040 mg/kg and dioxacarb at 200 mg/kg.
6. In January 1990, the discharger cleared the site of pesticide containers and other debris presenting a health hazard.
7. By letter dated April 23, 1993, RCDEHS issued a letter to the discharger requesting a plan to further delineate the extent of pesticide pollution.
8. On August 19, 1993, the Regional Board's Executive Officer issued Cleanup and Abatement Order No. 93-067, which required the discharger to prepare and submit a Preliminary Site Assessment Report describing a threat to the waters of the State and prepare a Corrective Action Plan.
9. On October 15, 1993, the discharger requested a time extension to all dates associated with Cleanup and Abatement Order No. 93-067.
10. On October 19, 1993, the Regional Board's Executive Officer granted the time extension requested by the discharger.

11. On September 1, 1993, the discharger submitted a status report to staff for review and approval.
12. By letter dated February 9, 1994, the discharger requested a time extension of all action dates associated with Cleanup and Abatement Order No. 93-067.
13. On February 16, 1994, the discharger submitted the preliminary site assessment report to staff for review and approval.
14. By letter dated February 24, 1994, the Regional Board's Executive Officer granted the time extension requested by the discharger.
15. On March 17, 1994, the discharger submitted a technical report entitled "Work Plan for Remedial Investigation" to staff for review and approval.
16. By letter dated April 8, 1994, Regional Board staff accepted the report entitled "Work Plan for Remedial Investigation".
17. On October 11, 1994, the discharger submitted a technical report entitled "Remedial Investigation Report" for review and acceptance.
18. By letter dated December 20, 1994, Regional Board staff conditionally accepted the technical report entitled "Remedial Investigation Report".
19. On June 2, 1995, the discharger submitted a technical report entitled "Work Plan for Supplemental Remedial Investigation" to staff for review and acceptance.
20. On July 8, 1996, the discharger submitted two (2) technical reports entitled "Remedial Feasibility Study" and "Supplemental Soil Contamination Investigation Report" to staff for review and acceptance.
21. By letter dated July 26, 1996, Regional Board staff accepted both technical reports entitled "Remedial Feasibility Study" and "Supplemental Soil Contamination Investigation Report" and requested the discharger to submit a remedial action plan by September 30, 1996.
22. Depth to first ground water at the site is less than ten (10) feet below ground surface. Due to the shallow ground water at the site, and the sample results indicating elevated levels of pesticide pollution, the ground water has been impacted, or threatens to be adversely impacted, by pesticide pollution.
23. The site lies within the Coachella Hydrologic Unit, as depicted on interagency hydrologic maps prepared by the Department of Water Resources in August 1986. The beneficial uses of ground water for the Coachella Hydrologic Unit, as described in the Water Quality Control Plan for the Colorado River Basin Region (Basin Plan) are municipal supply, agricultural supply, and industrial supply.
24. Water Code Section 13050 states that "pollution" may include "contamination". It defines each of these terms and nuisance as:

"(k) 'Contamination' means an impairment of the quality of the waters of the state by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease.

"(l) 'Pollution' means an alternation of the quality of the waters of the state by waste to a degree which unreasonably affects...(1) The waters for beneficial uses (or)...(2) Facilities which serve these beneficial uses..."

"(m) 'Nuisance' means anything which meets all of the following requirements.

Is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.

Affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

Occurs during, or as a result of, the treatment or disposal of wastes.

25. Section 13304(a) of the California Water Code states:

“Any person who has discharged or discharges waste into the waters of this state in violation of any waste discharge requirement or other order or prohibition issued by a regional board or the state board, or who has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be discharged into the waters of the state and creates, or threatens to create a condition of pollution or nuisance, shall upon order of the regional board cleanup the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, taken other necessary remedial action, including, but not limited to, overseeing cleanup and abatement efforts”.

26. In conducting an investigation of the quality of any waters of the State within its region, the Regional Board may require that any person who has discharged, discharges, or is suspected of discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of its state who has discharged, discharges, or is suspected of discharging, or who proposes to discharge, waste outside its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the Regional Board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. [California Water Code, Section 13267(b)(1)]

27. In overseeing all cleanup and abatement efforts, the Regional Board is a governmental agency that must expend limited staff resources to assure compliance with the law. Section 13304(c) of the California Water Code states, in part, that:

“...the person or persons who discharged the water, discharges the water, or threatened to cause or permit the discharge of the waste within the meaning of subdivision (a) [Finding no. 13], are liable to that governmental agency to the extent of the reasonable costs actually incurred in...supervising cleanup or abatement activities, or taking other remedial action.

28. Issuance of this Cleanup and Abatement Order is an enforcement action taken by a regulatory agency and is exempt from the provisions of the California Environmental Quality Act [Public Resources Code, Section 21000, et seq., in accordance with Title 14, CCR, Section 15321(a)(2)].

IT IS HEREBY ORDERED that Cleanup and Abatement Order No. 93-067 is rescinded and that, pursuant to Sections 13267 and 13304 of the California Water Code, the discharger, its agents, assigns, or designees, shall clean up and abate the pollution and threatened pollution described above by complying with the following:

REMEDIAL ACTION PLAN (RAP)

1. By April 15, 1998, provide a technical report in the form of an RAP with a time schedule for implementation to (i) cleanup/close all affected on-site soils, including affected soils and pesticide residue, that may cause ground water degradation, or demonstrate that affected soils that remain not present a threat to ground water; and (ii) clean up, prevent, or otherwise attenuate further migration of pollutants on the soil in the vicinity of the site.
2. By June 15, 1998, initiate containment and cleanup of contaminants in soils; and submit a technical report that certifies compliance with this item.

3. By September 15, January 15, April 15 and July 15 of each year, provide technical reports on the effectiveness of the interim containment and cleanup of contaminants

Complete the following tasks in accordance with the prescribed time schedule. All work outlined above shall be performed under the direction of a California registered civil engineer or certified engineering geologist. All plans and time schedules are subject to review and approval by the Regional Board's Executive Officer. Submitted time schedules become part of this Order once approved or revised by the Regional Board's Executive Officer.

If, in the opinion of the Regional Board's Executive Officer, the discharger violates this Cleanup and Abatement Order, the Regional Board's Executive Officer may apply to the Attorney General for judicial enforcement, or issue a complaint for Administrative Civil Liability.

The discharger is required to pay the Regional Board reasonable staff costs for supervision and oversight of the cleanup and abatement activities associated with the aforescribed problems. Payment is due within 30 days of receipt of an invoice presented by the State Water Resources Control Board for such costs.

Executive Officer

Date